

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FIRST DAY — TUESDAY, APRIL 29, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 250).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Wohlgemuth.

Absent — Kamel.

The invocation was offered by Jere Wilson, pastor, First Baptist Church, Henderson, as follows:

Heavenly Father, we thank you for the greatness of the American political system. Thank you for the leaders of this assembly. May they seek direction from you as they consider the business of our state.

Father, your word says, "Righteousness exalts a nation." Above all else, may we be a righteous people. Thank you for the freedoms we have in America, but may we never use these freedoms in a way that would dishonor you.

I ask that you would guard and protect these legislators and their families. Thank you for their service to the people of our state. "Now may the words of our mouth and the meditation of our heart be acceptable to you, our great and wonderful God." In Christ's name. Amen.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of illness:

Wohlgemuth on motion of Corte.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 43).

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**HR 745 - ADOPTED
(by McReynolds)**

Representative McReynolds moved to suspend all necessary rules to take up and consider at this time **HR 745**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 745, Congratulating participants in the Lufkin High School Living Skills Program for winning the Governor's Award for Environmental Excellence.

HR 745 was adopted without objection.

**HR 669 - ADOPTED
(by Palmer)**

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 669**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 669, Honoring George and Josephine Grimes on the occasion of their 50th wedding anniversary.

HR 669 was adopted without objection.

**HR 670 - ADOPTED
(by Palmer)**

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 670**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 670, Congratulating Edward and Lois Griffin on the occasion of their 50th wedding anniversary.

HR 670 was adopted without objection.

**HR 759 - ADOPTED
(by Chavez)**

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 759**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 759, Honoring Arthur "Art" Lewis on the occasion of his 61st birthday.

HR 759 was adopted without objection.

HR 750 - ADOPTED
(by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 750**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 750, In memory of Deborah Joyce Gilliam Dixon.

HR 750 was unanimously adopted by a rising vote.

On motion of Representative Thompson, the names of all the members of the house were added to **HR 750** as signers thereof.

HR 751 - ADOPTED
(by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 751**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 751, Congratulating Marjorie Jackson on the occasion of her 101st birthday.

HR 751 was adopted without objection.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 751** as signers thereof.

HR 752 - ADOPTED
(by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 752**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 752, Commemorating the 62nd anniversary of Pilgrim Rest Baptist Church.

HR 752 was adopted without objection.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 752** as signers thereof.

CAPITOL PHYSICIAN

The speaker recognized Representative Keffer who presented Dr. Robert Matthews of Eastland as the "Doctor for the Day."

The house welcomed Dr. Matthews and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

**HR 753 - ADOPTED
(by West)**

Representative West moved to suspend all necessary rules to take up and consider at this time **HR 753**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 753, Commemorating Odessa College's 50th anniversary.

HR 753 was adopted without objection.

**HR 680 - ADOPTED
(by Tillery)**

Representative Tillery moved to suspend all necessary rules to take up and consider at this time **HR 680**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 680, Congratulating Alfred and Barbara Schnieders on the occasion of their 50th wedding anniversary.

HR 680 was adopted without objection.

**HR 748 - ADOPTED
(by Berlanga)**

Representative Berlanga moved to suspend all necessary rules to take up and consider at this time **HR 748**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 748, Honoring Ford Allen on his athletic achievements.

HR 748 was adopted without objection.

(Kamel now present)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 16).

HR 763 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 763**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 763, Honoring Avery Johnson of the San Antonio Spurs.

HR 763 was read and was adopted without objection.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 763** as signers thereof.

HR 764 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 764**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 764, Honoring Vinny Del Negro.

HR 764 was read and was adopted without objection.

On motion of Representative Raymond, the names of all the members of the house were added to **HR 764** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative McClendon, who introduced Avery Johnson and Vinny Del Negro of the San Antonio Spurs.

HR 608 - ADOPTED
(by Telford)

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 608**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 608, Recognizing Dale F. Kinney as an Honorary Texan.

HR 608 was adopted without objection.

HR 609 - ADOPTED
(by Telford)

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 609**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 609, Recognizing H. L. Yoh, Jr., as an Honorary Texan.

HR 609 was adopted without objection.

HR 610 - ADOPTED
(by Telford)

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 610**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 610, Recognizing June 2-7, 1997, as Management Week in Texas.

HR 610 was adopted without objection.

HR 636 - ADOPTED
(by Cuellar)

Representative Cuellar moved to suspend all necessary rules to take up and consider at this time **HR 636**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 636, Honoring the United States Border Patrol Drug Demand Reduction Program.

HR 636 was adopted without objection.

HR 754 - ADOPTED
(by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 754**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 754, Congratulating the James Madison High School boys' basketball team on winning the 1997 Class 3-A state championship.

HR 754 was adopted without objection.

On motion of Representative Ehrhardt, the names of all the members of the house were added to **HR 754** as signers thereof.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Uher and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

HB 1300 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED

Representative Corte called up with senate amendments for consideration at this time,

HB 1300, A bill to be entitled An Act relating to the provision of certain software to persons who access the Internet; providing a civil penalty.

Representative Corte moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1300**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 1300**: Corte, chair, Oliveira, Greenberg, McCall, and Kubiak.

SB 263 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Cuellar, the house granted the request of the senate for the appointment of a conference committee on **SB 263**.

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 263**: Cuellar, chair, Thompson, Keel, Siebert, and Shields.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 2400 ON SECOND READING (by Garcia, et al.)

HB 2400, A bill to be entitled An Act relating to family and medical leave for certain employees; providing a civil penalty.

HB 2400 was read second time on April 22 and was postponed until 10 a.m. today.

Representative A. Reyna moved to postpone consideration of **HB 2400** until 2 p.m. Wednesday, April 30.

The motion prevailed without objection.

HB 3038 ON SECOND READING (by Woolley and Brimer)

HB 3038, A bill to be entitled An Act relating to medical review under the workers' compensation system.

HB 3038 was read second time on April 28 and was postponed until 10 a.m. today.

(Thompson in the chair)

Amendment No. 1

Representative Swinford offered the following amendment to **HB 3038**:

Amend **HB 3038** in SECTION 1 by striking amended Section 413.006, Labor Code (page 1, lines 6-8) and substituting the following:

Sec. 413.006. ADVISORY COMMITTEES. (a) The commission may appoint ad hoc medical advisory committees [in addition to the medical advisory committee] as it considers necessary. An ad hoc medical advisory committee must include at least one doctor who practices in each type of practice included in the subject matter for which the advisory committee is appointed.

(b) In the review and revision of medical policies and fee guidelines under Section 413.012, the commission shall appoint and consider the recommendations of one or more ad hoc medical advisory committees.

Amendment No. 1 was adopted without objection.

HB 3038, as amended, was passed to engrossment.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 2119 ON THIRD READING
(by Bosse)**

HB 2119, A bill to be entitled An Act relating to the continuation and functions of the Texas Commission on Alcohol and Drug Abuse; providing penalties.

HB 2119 was passed.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 29 ON THIRD READING
(Goodman and Naishtat - House Sponsors)**

SB 29, A bill to be entitled An Act relating to the implementation of the child support enforcement provisions of Title III of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996; providing penalties.

SB 29 was passed.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
THIRD READING**

The following resolutions were laid before the house and read third time:

**HJR 83 ON THIRD READING
(by Gutierrez)**

HJR 83, A joint resolution proposing a constitutional amendment to allow the legislature to prescribe the qualifications of constables.

(Speaker in the chair)

A record vote was requested.

HJR 83 was adopted by (Record 251): 108 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar;

Culberson; Danburg; Davila; Davis; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Hernandez; Hightower; Hilbert; Hinojosa; Hirschi; Hochberg; Hodge; Janek; Jones, J.; Junell; Kamel; Keel; King; Krusee; Lewis, R.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno; Mowery; Naishtat; Oakley; Oliveira; Olivo; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Smith; Solis; Solomons; Staples; Stiles; Swinford; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Williams; Williamson; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Christian; Delisi; Driver; Grusendorf; Heflin; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer; Kubiak; Kuempel; Lewis, G.; Madden; Marchant; Moffat; Nixon; Palmer; Patterson; Reyna, E.; Shields; Siebert; Smithee; Talton; Telford; Turner, B.; Uher; Walker; West.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Wohlgemuth.

Absent — Coleman.

STATEMENT OF VOTE

I was shown voting no on Record No. 251. I intended to vote yes.

Kuempel

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 1230 ON THIRD READING (by Place)

HB 1230, A bill to be entitled An Act relating to the place of detention for juveniles in certain counties.

Amendment No. 1

Representative Culberson offered the following amendment to **HB 1230**:

Amend **HB 1230** on third reading by inserting the following appropriately numbered section and by renumbering the subsequent sections of the bill accordingly:

SECTION ____ (a) In this section:

(1) "Criminal detention facility" means a place designated by law for the confinement of a person adjudicated delinquent for or convicted of a criminal offense. The term includes:

(A) a confinement facility operated by the Texas Department of Criminal Justice;

(B) a confinement facility operated under contract with any division of the Texas Department of Criminal Justice;

(C) a community corrections facility operated by a community supervision and corrections department; and

(D) a confinement facility operated by or under contract with the Texas Youth Commission.

(2) "Governmental entity" means the state, a political subdivision or a combination of two or more subdivisions of the state, or an agency of the state.

(b) A governmental entity or private vendor may not change the use of a criminal detention facility operated by the entity or vendor from a residential facility for the placement of juvenile offenders and may not establish a criminal detention facility unless:

(1) a public hearing is held about the proposed change or establishment before the change is made or the facility is established; and

(2) after the hearing is held, the change or establishment is approved by unanimous vote of the governing body of:

(A) the municipality in which the facility is or will be located; or

(B) the county in which the facility is or will be located, if the facility is not or will not be located within a municipality.

(c) Before the 30th day before the date of a hearing required by Subsection (b) of this section, the governmental entity shall:

(1) publish notice of the date, hour, place, and subject of the hearing in three consecutive issues of a newspaper of, or in newspapers that collectively have, general circulation in the county in which the proposed change is to be made or the facility is to be established; and

(2) mail a copy of the notice to each member of the governing body of a municipality, county commissioner, state representative, and state senator who represents the area in which the proposed change is to be made or the facility is to be established.

(d) In describing the subject of a public hearing for purposes of publishing notice under this section, the notice must specifically state the address of the facility with respect to which the change is proposed or the address at which the facility is to be established.

(e) If a private vendor, other than a private vendor that operates as a nonprofit corporation, proposes to change the use of a facility or to establish a facility that is the subject of a public hearing under this section, the private vendor is responsible for providing the notice and holding the public hearing required by this section.

(f) The governmental entity or private vendor shall hold the public hearing at a site as close as practicable to the facility with respect to which the change is proposed or as close as practicable to the site of the proposed facility.

Amendment No. 1 was adopted without objection.

HB 1230, as amended, was passed.

HB 330 ON THIRD READING **(by Danburg, Denny, Madden, and Ehrhardt)**

HB 330, A bill to be entitled An Act relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

HB 330 was passed.

HB 3263 ON THIRD READING
(by Dutton)

HB 3263, A bill to be entitled An Act relating to the authorization of an interlocal agreement between taxing units that provides for the disposal of tax foreclosed property at less than market value.

HB 3263 was passed.

HB 3354 ON THIRD READING
(by Dukes and Brimer)

HB 3354, A bill to be entitled An Act relating to the operation of the Texas Workers' Compensation Insurance Fund.

HB 3354 was passed.

HB 3522 ON THIRD READING
(by Rhodes and Brimer)

HB 3522, A bill to be entitled An Act relating to the administration and enforcement of the workers' compensation law; providing penalties.

HB 3522 was passed.

HB 3459 ON THIRD READING
(by Chisum)

HB 3459, A bill to be entitled An Act relating to environmental and health safety audits.

Amendment No. 1

Representative Bosse offered the following amendment to **HB 3459**:

Amend **HB 3459** on 3rd reading by striking Section 6(d) of the Texas Environmental, Health, and Safety Audit Privilege Act (Article 4447cc, Vernon's Texas Civil Statutes), as amended by the bill, and substituting the following:

(d) Information that is disclosed under Subsection (b)(3) of this section is confidential and is not subject to disclosure under Chapter 552, Government Code. A public entity, public employee, or public official who discloses information in violation of this subsection is subject to any penalty provided in Chapter 552, Government Code ~~commits an offense. An offense under this subsection is a Class B misdemeanor~~. It is an affirmative defense to the clerical dissemination of a privileged audit report that the report was not clearly labeled "COMPLIANCE REPORT: PRIVILEGED DOCUMENT" or words of similar import. The lack of labeling may not be raised as a defense if the entity, employee, or official knew or had reason to know that the document was a privileged audit report.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Puente offered the following amendment to **HB 3459**:

Amend **HB 3459**, on third reading on page 3, between lines 15 and 16, by adding a new SECTION 4 to read as follows and appropriately renumbering subsequent sections of the bill:

"SECTION 4. Section 7(d), Texas Environmental, Health and Safety Audit Privilege Act (Article 4447cc, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) A person claiming the privilege is subject to sanctions as provided by Rule 215 of the Texas Rules of Civil Procedures or to a fine not to exceed \$10,000 if the court finds, consistent with fundamental due process, that the person intentionally or knowingly claimed the privilege for unprotected information as provided in Section 8 of this Act."

Amendment No. 2 was adopted without objection.

HB 3459, as amended, was passed.

HB 3062 ON THIRD READING
(by Hightower, Gutierrez, et al.)

HB 3062, A bill to be entitled An Act relating to comprehensive revisions to Subchapter B, Chapter 56, Code of Criminal Procedure, the Crime Victims' Compensation Act, and making an appropriation.

HB 3062 was passed.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

The following bills were laid before the house and read third time:

SB 1386 ON THIRD READING
(Hunter - House Sponsor)

SB 1386, A bill to be entitled An Act relating to title to materials and equipment in the state library system.

SB 1386 was passed.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

HB 1287 ON SECOND READING
(by Counts)

HB 1287, A bill to be entitled An Act relating to the refund of assessments and the transfer of funds among accounts of the Texas Title Insurance Guaranty Association.

HB 1287 was passed to engrossment.

CSHB 768 ON SECOND READING
(by Junell)

CSHB 768, A bill to be entitled An Act relating to remedies in an action alleging discrimination against an employee based on a claim for workers' compensation benefits.

Representative D. Jones moved to postpone consideration of **CSHB 768** until 1:30 p.m. today.

The motion prevailed without objection.

HB 713 ON SECOND READING
(by D. Jones, Isett, et al.)

HB 713, A bill to be entitled An Act relating to defense economic readjustment zones; authorizing the issuance of bonds.

Representative D. Jones moved to postpone consideration of **HB 713** until 10 a.m. Thursday, May 1.

The motion prevailed without objection.

CSHB 1091 ON SECOND READING
(by Goodman, Naishtat, Allen, et al.)

CSHB 1091, A bill to be entitled An Act relating to the parent-child relationship, including suits affecting the parent-child relationship, the establishment of paternity, the termination of the parent-child relationship, and the adoption of children; providing penalties.

Amendment No. 1

Representative Staples offered the following amendment to **CSHB 1091**:

Amend **CSHB 1091** as follows:

(1) On Page 2, Line 1, after "161" and before the semicolon insert:
or unless the petitioner has complied with the provisions of Section 161.002(b)(2) or (b)(3)

(2) On Page 11, strike Lines 1-8 and substitute the following:
diligence by the petitioner;

(A) his identity and location are unknown; or

(B) his identity is known but he cannot be located.

(3) he has registered with the paternity registry under Subchapter D, Chapter 160, but the petitioner's attempt to personally serve citation at the address provided to the registry and at any other address for the alleged father known by the petitioner has been unsuccessful, despite the due diligence of the petitioner.

(c) The termination of the rights of an alleged biological father under Subsection (b)(2) does not require personal service of citation or citation by publication on the alleged father.

(d) The termination of rights of an alleged biological father under Subsection (b)(3) does not require service of citation by publication on the alleged father.

(e) The court shall not render an order terminating parental rights under Subsection (b)(2) unless the court, after reviewing the petitioner's sworn affidavit describing the petitioner's effort to identify and locate the alleged biological father and considering any evidence submitted by the attorney ad litem for the alleged biological father, has found that the petitioner exercised due diligence in attempting to identify and locate the alleged biological father. The order shall contain specific findings regarding due diligence of the petitioner.

(f) The court shall not render an order terminating parental rights under Subsection (b)(3) unless the court, after reviewing the petitioner's sworn affidavit describing the petitioner's effort to obtain personal service of citation on the alleged father and considering any evidence submitted by the attorney ad litem for the alleged father, has found that the petitioner exercised due diligence in attempting to obtain service on the alleged father. The order shall contain specific findings regarding the exercise of due diligence of the petitioner.

(3) On Page 19, Line 6, after "adoption" insert is the child's former stepparent and

(4) On Page 19, Line 12, after "adoption" insert is the child's former stepparent and

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Staples offered the following amendment to **CSHB 1091**:

Amend **CSHB 1091** as follows:

(1) On Page 3, Line 6, insert the following new sections as follows:

SECTION 3. Section 107.013, Family Code, is amended as follows:

Sec. 107.013. Mandatory Appointment of Attorney Ad Litem for [Indigent] Parent.

(a) In a suit in which termination of the parent-child relationship is requested, the court shall appoint an attorney ad litem to represent the interests of [each]:

(1) an indigent parent of the child who responds in opposition to the termination;

(2) a parent served by citation by publication;

(3) an alleged father who failed to register with the registry under Subchapter D, Chapter 160 and whose identity or location is unknown; and

(4) an alleged father who registered with the paternity registry under Subchapter D, Chapter 160, but the petitioner's attempt to personally serve citation at the address provided to the registry and at any other address for the alleged father known by the petitioner has been unsuccessful.

(b) if both parents of the child are entitled to the appointment of an attorney ad litem under this section ~~[indigent and oppose termination]~~ and the court finds that the interests of the parents are not in conflict, the court may appoint a single attorney ad litem to represent the interests of both parents.

SECTION 4. Section 153.434, Family Code, is amended to read as follows:

Sec. 153.434. Limitation on Right to Request Access

A biological or adoptive grandparent may not request possession of or access to a grandchild if:

(1) the grandparent is a parent of a person whose parental rights with the child have been terminated by court order or by death; or ~~[and]~~

(2) the grandparent is a parent of a person who has executed an affidavit of waiver of interest in child or an affidavit of relinquishment of parental rights under Chapter 161 and the affidavit designates an authorized agency, licensed child placing agency or person other than the child's stepparent as the managing conservator of the child; and

(3) the other biological parent has died, has executed an affidavit of waiver of interest in child or an affidavit of relinquishment of parental rights under Chapter 161 or has had that parent's parental rights terminated and the grandchild has been adopted by a person other than the child's stepparent.

Renumber remaining sections accordingly

(2) On Page 26, Line 7, strike Section 28.

(3) On Page 30, Line 24, strike Subsection (e).

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Goodman offered the following amendment to **CSHB 1091**:

Amend **CSHB 1091** as follows:

Strike SECTION 11 and renumber remaining sections accordingly.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Goolsby offered the following amendment to **CSHB 1091**:

Amend **CSHB 1091** as follows:

(1) On Page 29, between lines 5 and 6, insert the appropriate numbered section:

SECTION . Section 192.008, Health and Safety Code, is amended to read as follows:

Sec. 192.008. BIRTH RECORDS OF ADOPTED PERSON. (a) The supplementary birth certificate of an adopted child must be in the names of the adoptive parents. The only information that may be changed on the supplementary birth certificate is the name of the mother, father, or child. Copies of the child's birth certificates or birth records may not disclose that the child is adopted. The state registrar may not issue a supplementary birth certificate if a court, an adoptive parent, or the adoptee, if the adoptee is not less than 12 years of age, requests that a supplementary birth certificate not be issued. If the supplementary birth certificate may not be issued, the state registrar shall furnish a certified copy of the report of adoption.

(b) After a supplementary birth certificate of an adopted child is filed, information disclosed from the record must be from the supplementary certificate.

(c) The board shall adopt rules and procedures to ensure that birth records and indexes under the control of the department or local registrars and accessible to the public do not contain information or cross-references through which the confidentiality of adoption placements may be directly or indirectly violated. The rules and procedures may not interfere with the registries established under Subchapter E, Chapter 162, Family [Chapter 49, Human Resources] Code, or with a court order under this section.

(d) Except as provided by Subsections ~~[Subsection]~~ (e) and (f), only the court that granted the adoption may order access to ~~[an original birth certificate and]~~ the filed documents on which a supplementary certificate is based.

(e) A person applying for access to an original birth certificate and the filed documents on which the supplementary certificate is based is entitled to

know the identity and location of the court that granted the adoption, the file number of the adoption, and the date the adoption order was rendered. If that information is not on file, the state registrar shall give the person an affidavit stating that the information is not on file with the state registrar. Any court of competent jurisdiction to which the person presents the affidavit may order [the] access to the documents on which the supplementary certificate is based.

(f) The state registrar shall provide to a person who was adopted a noncertified copy of the person's original birth certificate if:

(1) the person is not less than 21 years of age;

(2) a supplementary birth certificate was issued for the person;

(3) the person furnishes appropriate proof of the person's identity.

(2) On Page 31, between lines 20 and 21, insert the following:

(h) The change in law made by this Act regarding access to birth certificate information applies without regard to the date an adoption order is rendered.

(3) Renumber the remaining sections of the bill accordingly.

Representative Goodman moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 252): 115 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Craddick; Cuellar; Culberson; Danburg; Davis; Denny; Driver; Dunnam; Dutton; Eiland; Elkins; Finnell; Gallego; Galloway; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Hamric; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hinojosa; Hirschi; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; McCall; McClendon; McReynolds; Moffat; Moreno; Mowery; Nixon; Oakley; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Rabuck; Ramsay; Rangel; Raymond; Reyna, E.; Roman; Sadler; Seaman; Serna; Shields; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wise; Woolley; Zbranek.

Nays — Alvarado; Chavez; Crabb; Davila; Dukes; Ehrhardt; Farrar; Flores; Garcia; Giddings; Goolsby; Haggerty; Hartnett; Hill; Hochberg; Hodge; Marchant; Maxey; Merritt; Naishtat; Oliveira; Rhodes; Wilson; Wolens; Yarbrough.

Present, not voting — Mr. Speaker(C); Reyna, A.

Absent, Excused — Wohlgemuth.

Absent — Delisi; Edwards; Jones, J.; Longoria; Puente; Siebert.

STATEMENTS OF VOTE

I was shown voting no on Record No. 252. I intended to vote yes.

Crabb

When Record No. 252 was taken, I was in the house but away from my desk. I would have voted yes.

Puente

Amendment No. 5

Representative Zbranek offered the following amendment to **CSHB 1091**:

Amend **CSHB 1091** by adding the following appropriately numbered section and renumbering the sections of the bill accordingly:

SECTION _____. Section 103.001, Family Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) A child resides in the county where the child's parents have resided for not less than 90 days [reside] or the child's parent has resided for not less than 90 days [reside], if only one parent is living, except that:

(1) if a guardian of the person has been appointed by order of a county or probate court and a managing conservator has not been appointed, the child resides in the county where the guardian of the person has resided for not less than 90 days [resides];

(2) if the parents of the child do not reside in the same county and if a managing conservator, custodian, or guardian of the person has not been appointed, the child resides in the county where the parent having actual care, control, and possession of the child has resided for not less than 90 days [resides];

(3) if the child is in the care and control of an adult other than a parent and a managing conservator, custodian, or guardian of the person has not been appointed, the child resides where the adult having actual care, control, and possession of the child has resided for not less than 90 days [resides];

(4) if the child is in the actual care, control, and possession of an adult other than a parent and the whereabouts of the parent and the guardian of the person is unknown, the child resides where the adult having actual possession, care, and control of the child has resided for not less than 90 days [resides];

(5) if the person whose residence would otherwise determine venue has left the child in the care and control of the adult, the child resides where that adult has resided for not less than 90 days [resides];

(6) if a guardian or custodian of the child has been appointed by order of a court of another state or country, the child resides in the county where the guardian or custodian has resided for not less than 90 days [resides] if that person resides in this state; or

(7) If it appears that the child is not under the actual care, control, and possession of an adult, the child resides where the child is found.

(d) If a person whose residence is used to establish the residence of a child under Subsection (c) has not resided continuously for 90 days in a single county during the preceding year, the county in which the child resides is the county in which the person has resided for the longest period during the preceding year.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Hartnett offered the following amendment to **CSHB 1091**:

Amend **CSHB 1091** as follows:

On Page 29, between lines 5 and 6, insert the appropriate numbered section of the bill:

SECTION . Section 192.008(a), Health and Safety Code, is amended to read as follows:

The supplementary birth certificate of an adopted child must be in the names of the adoptive parents, one of whom must be a female, named as the mother, and the other of whom must be a male, named as the father. This subsection does not prohibit a single individual, male or female, from adopting a child. Copies of the child's birth certificates or birth records may not disclose that the child is adopted.

Amendment No. 6 was adopted. (Danburg and Maxey recorded voting no)

CSHB 1091, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

RULES SUSPENDED

Representative Marchant moved to suspend the 5-day posting rule to allow the Committee on Financial Institutions to consider **HB 3477**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, on recess today, Desk 4, to consider **SB 367**.

Criminal Jurisprudence, Subcommittee on DWI, on recess today, Desk 48, to consider **HB 2429**.

Land and Resource Management, on recess today, Desk 112, to consider **HB 1821**.

Financial Institutions, 8:30 a.m. Thursday, May 1.

RECESS

Representative Uher moved that the house recess until 1:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:06 p.m., recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

CSHB 768 ON SECOND READING**(by Junell)**

CSHB 768, A bill to be entitled An Act relating to remedies in an action alleging discrimination against an employee based on a claim for workers' compensation benefits.

CSHB 768 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Junell offered the following amendment to **CSHB 768**:

Amend **CSHB 768**, on page 1, line 6, by deleting "amending Subsection (a) and".

Amend **CSHB 768**, on page 1, by deleting lines 8 through 17, and inserting the following subsection in its place: "(d) For purposes of this section only, "reasonable damages" does not include damages for pain and suffering, mental anguish, loss associated with disfigurement, or loss of companionship or consortium."

Amendment No. 1 was adopted without objection.

A record vote was requested.

CSHB 768, as amended, was passed to engrossment by (Record 253): 98 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berlanga; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Delisi; Denny; Driver; Dunnam; Eiland; Elkins; Finnell; Galloway; Glaze; Goodman; Goolsby; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCall; McReynolds; Merritt; Moffat; Mowery; Nixon; Oakley; Palmer; Patterson; Pitts; Place; Rabuck; Ramsay; Reyna, E.; Rhodes; Roman; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Williamson; Woolley; Zbranek.

Nays — Alvarado; Bailey; Bosse; Burnam; Chavez; Davila; Davis; Dukes; Dutton; Ehrhardt; Farrar; Flores; Gallego; Garcia; Giddings; Greenberg; Hernandez; Hightower; Hinojosa; Hochberg; Hodge; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McClendon; Moreno; Naishtat; Oliveira; Olivo; Pickett; Price; Puente; Rangel; Raymond; Reyna, A.; Sadler; Solis; Thompson; Tillery; Torres; Turner, S.; Wilson; Wise; Wolens; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Wohlgemuth.

Absent — Edwards; Gray.

STATEMENTS OF VOTE

I was shown voting no on Record No. 253. I intended to vote yes.

Gallego

When Record No. 253 was taken, I was temporarily out of the house chamber meeting on tort reform bills in the speakers committee room. I would have voted no.

Gray

I was shown voting no on Record No. 253. I intended to vote yes.

Hernandez

**GENERAL STATE CALENDAR
(consideration continued)****SB 338 ON SECOND READING
(Wolens - House Sponsor)**

SB 338, A bill to be entitled An Act relating to Texas Higher Education Coordinating Board contracts with Texas Chiropractic College and Parker College of Chiropractic.

SB 338 was considered in lieu of **HB 854**.

SB 338 was passed to third reading.

HB 854 - LAID ON THE TABLE SUBJECT TO CALL

Representative Wolens moved to lay **HB 854** on the table subject to call.

The motion prevailed without objection.

**CSHB 1456 ON SECOND READING
(by Goolsby)**

CSHB 1456, A bill to be entitled An Act relating to the statute of limitations for claims against licensed interior designers and landscape architects.

CSHB 1456 was passed to engrossment.

**HB 2098 ON SECOND READING
(by Uher)**

HB 2098, A bill to be entitled An Act relating to the regulation of certain franchised dealers who engage in the leasing of motor vehicles.

Amendment No. 1

Representative Uher offered the following amendment to **HB 2098**:

Amend **HB 2098** as follows: Add Section 5.05. USE OF CERTAIN TERMS PROHIBITED. A person may not use the words "lease" or "leasing" or any variation of those words in the person's name or in the name of an entity owned by the person unless the person is:

(1) licensed under this Act as a lessor or lease facilitator; or

(2) exempt under Section 4.01 of this Act from the requirement to obtain a license.

Amendment No. 1 was adopted without objection.

HB 2098, as amended, was passed to engrossment.

HB 2382 ON SECOND READING**(by Siebert, et al.)**

HB 2382, A bill to be entitled An Act relating to the regulation of the distribution and sale of towable recreational vehicles.

Amendment No. 1

Representative Siebert offered the following amendment to **HB 2382**:

Amend **HB 2382**, First Printing, as follows:

(1) On page 2, line 1, insert the following between the word "designed" and the word "for": "and originally manufactured".

(2) On page 2, line 4, insert the following between the word "Transportation" and the word "through": "as a travel trailer".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Pitts offered the following amendment to **HB 2382**:

Amend **HB 2382** on page 2, line 25, after word "law" by deleting the period and inserting the following:

"; provided that, should the Commission adopt a rule regulating off-site display or sale of towable recreational vehicles, the Commission shall authorize the display and sale of towable recreational vehicles at private events in trade areas (counties, cities, or towns) where application of general participation requirements for organized dealer shows and exhibitions would effectively preclude such an organized show or exhibition."

Amendment No. 2 was adopted without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

HB 2382 - (consideration continued)**Amendment No. 3**

Representative Kubiak offered the following amendment to **HB 2382**:

Amend **HB 2382** as follows:

Insert the following after SECTION 2 and renumber subsequent sections accordingly.

SECTION _____. Section 6.07 of the Texas Motor Vehicle Code (Article 4413(36), Vernon's Texas Civil Statutes), is amended by adding subsection (m) to read as follows:

(m) This section does not apply to "towable recreational vehicles" as defined in this act.

Representative Siebert moved to table Amendment No. 3.

The motion to table prevailed.

HB 2382, as amended, was passed to engrossment. (Horn, D. Jones, and Kubiak recorded voting no)

HB 691 ON SECOND READING**(by Thompson)**

HB 691, A bill to be entitled An Act relating to the erection of sound barrier walls along certain parts of Interstate Highway 610 in Houston.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Siebert, Representative Thompson offered the following committee amendment to **HB 691**:

Amend **HB 691** as follows:

Add the following new SECTION 2 to the bill and renumber the existing SECTION 2 as SECTION 3:

"It is the intent of the legislature that this directive not be construed as, nor constitute the establishment of, a program for type 2 projects for noise abatement on existing federal-aid highways pursuant to 23 CFR Part 772."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Yarbrough offered the following amendment to **HB 691**:

Amend **HB 691** on page 1, line 10, by adding, after "south", the following language to read as follows:

"and along the north side of Interstate 610 in Houston, from the west side of Yale on the North side of Houston extending approximately 2 1/2 miles to a point to the west located on the east side of East T. C. Jester, not to interfere with access to commercial businesses or buildings."

and, on page 1, line 15, by adding the following after "Guinivere":

", West 30th, West 31st, West 32nd, West 33rd, West 34th, Lawrence, Randall, Attridge, Dunsmere, Gardendale, Bevis, Ansbury, Wilde Rock Way, Stonecrest, Guese, Topham, Moonstone, Carlford Circle, Bron Holly, Piney Woods."

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Hochberg offered the following amendment to **HB 691**:

Amend **HB 691** by inserting the following appropriately numbered SECTION and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. As soon as practical, the Texas Department of Transportation shall conduct a cost-benefit study of the construction of a sound barrier wall to reduce highway noise for residences located west of Interstate Highway 610 southward from the Braeswood Boulevard exit, including the South Post Oak exit, which must include a study of the effectiveness of existing sound barrier walls along the right-of-way at that location.

Amendment No. 3 was adopted without objection.

HB 691, as amended, was passed to engrossment. (Carter recorded voting no)

CSHB 740 ON SECOND READING
(by Solomons)

CSHB 740, A bill to be entitled An Act relating to mechanics', contractors', and materialmen's liens; providing penalties.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 740**:

Amend **CSHB 740** as follows:

(1) On page 23, between lines 24 and 25, insert the following:

"CONVEYANCE TO CONTRACTOR PROHIBITED. Your contractor may not require you to convey your real property to your contractor as a condition to the agreement for the construction of improvements on your property.

(2) On page 32, between lines 15 and 16, insert the following:

Sec. 53.260. CONVEYANCE TO CONTRACTOR PROHIBITED. An original contractor may not require an owner of real property to convey the real property to the original contractor or an entity controlled by the original contractor as a condition to the performance of the residential construction contract for improvements to the real property.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Solomons offered the following amendment to **CSHB 740**:

Amend **CSHB 740** as follows:

(1) On page 28, strike lines 4-13 and substitute the following:

"OBTAIN TITLE INSURANCE PROTECTION. You may be able to obtain a title insurance policy to insure that the title to your property and the existing improvements on your property are free from liens claimed by subcontractors and suppliers. If your policy is issued before the improvements are completed and covers the value of the improvements to be completed, you should obtain, on the completion of the improvements and as a condition of your final payment, a 'completion of improvements' policy endorsement. This endorsement will protect your property from liens claimed by subcontractors and suppliers that may arise from the date the original title policy is issued to the date of the endorsement."

(2) On page 28, strike lines 14 and 15 and substitute the following:

(c) The failure of a contractor to comply with this section does not invalidate a lien under this chapter, a contract lien, or a deed of trust.

(3) On page 29, strike lines 7 and 8 and substitute the following:

(c) The failure of a contractor to comply with this section does not invalidate a lien under this chapter, a contract lien, or a deed of trust.

(4) On page 29, strike line 27, and on page 30, strike line 1 and substitute the following:

(c) The failure of a lender to comply with this section does not invalidate a lien under this chapter, a contract lien, or a deed of trust.

(5) On page 30, strike lines 26 and 27 and substitute the following:

(e) The failure of a lender to comply with this section does not invalidate a lien under this chapter, a contract lien, or a deed of trust.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Solomons offered the following amendment to **CSHB 740**:

Amend **CSHB 740** on page 30, by striking lines 2-17 and substituting the following:

Sec. 53.258. DISBURSEMENTS OF FUNDS. (a) For the construction of improvements under a residential construction contract, the original contractor shall provide to the owner a signed periodic statement that lists the bills or expenses that the original contractor represents will be paid or that have been paid and for which the original contractor is requesting payment. The original contractor is not required to include in the statement the bills or expenses for which the original contractor has obtained a valid lien release or waiver from the subcontractor or supplier to whom the bills or expenses are owed if the statement includes a written representation that the balance of any funds that are not itemized in the statement will be paid to:

(1) the subcontractor or supplier who provided the lien release or waiver; or

(2) the original contractor as reimbursement for expenses incurred, profit, or overhead.

(b) If the owner finances the construction of improvements through a third party that advances loan proceeds directly to the original contractor, the lender shall:

(1) obtain from the original contractor the signed periodic statement required by Subsection (a) that covers the funds for which the original contractor is requesting payment; and

(2) provide to the owner a statement of funds disbursed by the lender since the last statement was provided to the owner.

Amendment No. 3 was adopted without objection.

CSHB 740, as amended, was passed to engrossment.

HB 533 ON SECOND READING
(by Swinford and Van de Putte)

HB 533, A bill to be entitled An Act relating to certain dealer agreements concerning off-road construction equipment.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Woolley, Representative Swinford offered the following committee amendment to **HB 533**:

Amend **HB 533**, SECTION 2 as follows:

(5) "Dealer" means a person in the business of the retail sale of equipment. [The term does not include a person whose principal business is the sale of off road construction equipment.] The term dealer shall not include a single line dealer primarily engaged in the retail sale and service of off-road construction and earthmoving equipment.

(9) "Single line dealer" means a person, partnership, or corporation which:

(a) has purchased 75 percent or more of the dealer's total new product inventory from a single supplier under all agreements with that supplier, and

(b) has a total annual average sales volume for the three previous years with that single supplier in excess of \$100 million for the territory for which that dealer is responsible within the state.

Amendment No. 1 was adopted without objection.

HB 533, as amended, was passed to engrossment.

CSHB 1633 ON SECOND READING
(by Solomons)

CSHB 1633, A bill to be entitled An Act relating to the authority of a foreign limited liability partnership to transact business in this state.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 1633**:

Amend **CSHB 1633** as follows:

- (1) On page 6, line 22, strike "subsection" and substitute "section".
- (2) On page 8, line 1, strike "subsection" and substitute "section".
- (3) On page 8, line 9, strike "subsection" and substitute "section".
- (4) On page 8, line 23, strike "subsection" and substitute "section".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Shields offered the following amendment to **CSHB 1633**:

Amend **CSHB 1633** on page 10, line 14, by striking Subdivision (5) of added Section 10.04, Texas Revised Partnership Act (Article 6132b-1.01, et seq., Vernon's Texas Civil Statutes), and renumbering remaining subdivisions appropriately.

Amendment No. 2 was adopted without objection.

CSHB 1633, as amended, was passed to engrossment.

CSHB 2010 ON SECOND READING
(by Wilson, Chavez, Kamel, and G. Lewis)

CSHB 2010, A bill to be entitled An Act relating to restrictions on the extension of athletic scholarships or similar financial assistance at public institutions of higher education.

CSHB 2010 was passed to engrossment.

CSHB 547 ON SECOND READING
(by Culberson, Allen, Greenberg, and Danburg)

CSHB 547, A bill to be entitled An Act relating to the eligibility for release on parole of certain inmates serving sentences for violent offenses.

Amendment No. 1

Representative Place offered the following amendment to **CSHB 547**:

Amend **CSHB 547** by striking existing SECTION 5 (page 4, line 24 through page 5, line 2) and substituting a new SECTION 5 to read as follows:

SECTION 5. (a) This Act may not be implemented until the later of the following dates:

(1) the date on which the attorney general or other attorney representing the interests of the state in the matter of Ruiz v. Collins certifies to the governor that no federal court retains jurisdiction to enforce the final judgment entered in that case on December 11, 1992; or

(2) September 1, 1999, but only if an Act of the 76th Legislature, Regular Session, 1999, does not repeal this Act.

(b) The chairman and vice chairman of the Senate Criminal Justice Committee, the chairman of the Senate Finance Committee, and the chairmen of the House Criminal Jurisprudence, Corrections, and Appropriations committees, after jointly reviewing the capacity of the facilities of the Texas Department of Criminal Justice and the sentencing patterns relating to offenses described by Section 3g(a), Article 42.12, Code of Criminal Procedure, shall report to the 76th Legislature not later than December 1, 1998 on the effect of those factors on the law as amended by this Act.

Amendment No. 1 was adopted without objection.

CSHB 547, as amended, was passed to engrossment.

CSHB 393 ON SECOND READING
(by Mowery, Moffat, and Kubiak)

CSHB 393, A bill to be entitled An Act relating to restricting the use of designated lanes of certain highways.

Representative Mowery moved to postpone consideration of **CSHB 393** until 10 a.m. Monday, May 5.

The motion prevailed without objection.

CSHB 733 ON SECOND READING
(by Raymond)

CSHB 733, A bill to be entitled An Act relating to the lease of certain state facilities.

CSHB 733 was passed to engrossment.

SB 293 ON SECOND READING
(Tillery - House Sponsor)

SB 293, A bill to be entitled An Act relating to the authority of a municipality to create an industrial development corporation and to levy a sales and use tax to carry out the projects of the corporation.

SB 293 was considered in lieu of **HB 777**.

(Chisum in the chair)

Amendment No. 1

Representative E. Reyna offered the following amendment to **SB 293**:

Amend **SB 293** by striking the amendment to Section 4B(a)(1)(E), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes) and substituting the following:

(E) Paragraph (C) of this subdivision expires September 1, 1999 [4997].

(Wohlgemuth now present)

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 293, as amended, was passed to third reading by (Record 254): 82 Yeas, 41 Nays, 15 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berlanga; Bosse; Burnam; Chavez; Clark; Coleman; Cook; Cuellar; Danburg; Davis; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goolsby; Gray; Gutierrez; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Hunter; Jackson; Janek; Jones, D.; Jones, J.; Kamel; King; Krusee; Lewis, G.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Moffat; Moreno; Naishtat; Oliveira; Olivo; Pickett; Pitts; Place; Puente; Rangel; Raymond; Rhodes; Sadler; Seaman; Smith; Solis; Staples; Stiles; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Walker; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Bonnen; Corte; Crabb; Craddick; Culberson; Driver; Finnell; Galloway; Goodman; Grusendorf; Hamric; Hartnett; Heflin; Hilbert; Horn; Howard; Hupp; Isett; Keel; Keffer; Kuempel; Lewis, R.; Merritt; Mowery; Nixon; Rabuck; Ramsay; Reyna, E.; Roman; Serna; Shields; Siebert; Smithee; Solomons; Talton; Van de Putte; West; Williams; Williamson; Woolley.

Present, not voting — Mr. Speaker; Carter; Chisum(C); Christian; Counts; Denny; Greenberg; Hawley; Hilderbran; Junell; Oakley; Palmer; Patterson; Torres; Uher.

Absent — Brimer; Davila; Delisi; Dukes; Haggerty; Hill; Kubiak; Price; Reyna, A.; Wilson; Wohlgemuth.

STATEMENT OF VOTE

When Record No. 254 was taken, I was in the house but away from my desk. I would have voted present, not voting.

Kubiak

HB 777 - LAID ON THE TABLE SUBJECT TO CALL

Representative Tillery moved to lay **HB 777** on the table subject to call.

The motion prevailed without objection.

HB 2071 ON SECOND READING

(by Gutierrez)

HB 2071, A bill to be entitled An Act relating to qualifications required to hold the office of constable.

Amendment No. 1

Representative Gutierrez offered the following amendment to **HB 2071**:

Amend **HB 2071** by striking SECTION 2 of the bill and substituting the following:

SECTION 2. Section 86.0021, Local Government Code, as added by this Act, applies only to a person first elected or appointed to the office of constable on or after January 1, 1998. A person elected or appointed to the office of constable before January 1, 1998, is covered, for the remainder of the term the person serves as constable or for any subsequent term the person serves as constable, by the law relating to qualifications in effect when the person was first appointed or elected, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

HB 2071, as amended, was passed to engrossment. (Heflin recorded voting no)

HB 3012 ON SECOND READING
(by McReynolds)

HB 3012, A bill to be entitled An Act relating to standard possession orders in suits affecting the parent-child relationship.

HB 3012 was passed to engrossment.

HB 2841 ON SECOND READING
(by Stiles and Siebert)

HB 2841, A bill to be entitled An Act relating to conforming the statutes to reflect the abolishment of the office of state treasurer.

Representative Goolsby moved to postpone consideration of **HB 2841** until 5 p.m. today.

The motion prevailed without objection.

HB 10 ON SECOND READING
(by Brimer)

HB 10, A bill to be entitled An Act relating to a nonsubstantive revision of statutes relating to financial institutions, financial businesses, and credit, including conforming amendments, repeals, and penalties.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Ramsay, Representative Goolsby offered the following committee amendment to **HB 10**:

Amend **HB 10** as follows:

(1) In Section 342.302(3)(B), Finance Code, as added by the bill (Introduced version, page 878, line 15), between "than" and "\$4" insert "the ratio of".

(2) In Section 345.065(1), Finance Code, as added by the bill (Introduced version, page 959, line 6), strike "buyer" and substitute "seller".

(3) In Section 345.065(2), Finance Code, as added by the bill (Introduced version, page 959, line 9), strike "buyer" and substitute "seller".

(4) In Section 345.215(a), Finance Code, as added by the bill (Introduced version, page 985, line 19), strike "applicable to the" and substitute "of".

(5) In Section 348.110(1), Finance Code, as added by the bill (Introduced version, page 1056, line 13), strike "buyer" and substitute "seller".

(6) In Section 348.110(2), Finance Code, as added by the bill (Introduced version, page 1056, line 16), strike "buyer" and substitute "seller".

Amendment No. 1 was adopted without objection.

HB 10, as amended, was passed to engrossment. (Finnell recorded voting present, not voting)

HB 2825 ON SECOND READING
(by Place, et al.)

HB 2825, A bill to be entitled An Act relating to the use of inmate and probationer labor for state highway system projects.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Gray, Representative Place offered the following committee amendment to **HB 2825**:

Amend **HB 2825** on page 1, line 15, by striking "Board", and substituting "Department".

Amendment No. 1 was adopted without objection.

HB 2825, as amended, was passed to engrossment.

HB 2541 ON SECOND READING
(by Kuempel)

HB 2541, A bill to be entitled An Act relating to the regulation of certain scientific breeders.

Representative Kuempel moved to postpone consideration of **HB 2541** until 11 a.m. Wednesday, April 30.

The motion prevailed without objection.

CSHB 3061 ON SECOND READING
(by Hightower)

CSHB 3061, A bill to be entitled An Act relating to regulation of the import, export, and management of deer; providing penalties.

Representative Hightower moved to postpone consideration of **CSHB 3061** until 11 a.m. Wednesday, April 30.

The motion prevailed without objection.

HB 921 ON SECOND READING
(by Danburg, Allen, Wise, et al.)

HB 921, A bill to be entitled An Act relating to the statute of limitations for certain sexual offenses committed against children.

HB 921 was passed to engrossment.

HB 3517 ON SECOND READING
(by Goolsby)

HB 3517, A bill to be entitled An Act relating to approval of monuments on the grounds of the state capitol.

Amendment No. 1

Representative Goolsby offered the following amendment to **HB 3517**:

Amend **HB 3517** by adding the following sentence at the end of SECTION 2 of the bill on page 1, line 22:

The installation of a monument approved by the board before the effective date of this Act must be completed not later than the fourth anniversary of the effective date of this Act or the board's approval of the monument is considered withdrawn and the monument may not be installed.

Amendment No. 1 was adopted without objection.

HB 3517, as amended, was passed to engrossment.

HB 3170 ON SECOND READING
(by Yarbrough)

HB 3170, A bill to be entitled An Act relating to a firefighters' relief and retirement fund in certain municipalities.

HB 3170 was passed to engrossment.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

CSHB 3113 ON SECOND READING
(by McClendon, Danburg, and Allen)

CSHB 3113, A bill to be entitled An Act relating to providing public notice on release of a sex offender into the community.

CSHB 3113 was passed to engrossment.

STATEMENT OF VOTE

We would like the journal to show we voted for and enthusiastically support **CSHB 3113**. Sex offenders are often repeat offenders and community safety outweighs any privacy interests of these offenders. **CSHB 3113** would allow the public to better protect itself from offenders who have been released into their community.

Williams
Shields

CSHB 1971 ON SECOND READING
(by Marchant)

CSHB 1971, A bill to be entitled An Act relating to usury and the regulation of lenders; providing a penalty.

Amendment No. 1

Representative Marchant offered the following amendment to **CSHB 1971**:

Amend **CSHB 1971** on page 5, line 27, between "be" and "construed", by inserting "strictly".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Grusendorf offered the following amendment to **CSHB 1971**:

Amend **CSHB 1971** by adding the following appropriately numbered section and renumbering sections appropriately:

SECTION _____. Title 16, Revised Statutes, is amended by adding Article 375 to read as follows:

Art. 375. LIMITATIONS ON CHARGES ON LOANS REQUIRING ESCROW ACCOUNT

Sec. 1. If an escrow account is required to be maintained in connection with a loan secured by a mortgage on residential real property, the holder of the mortgage may not charge or collect interest on the loan or a penalty relating to the loan for any period during which the balance in the escrow account exceeds the unpaid principal balance of the loan.

Sec. 2. A lender who violates Section 1 commits usury and is liable to the borrower for an amount equal to the amount computed as follows as of the date of the violation:

(1) three times the amount of the unpaid principal balance of the loan;
and

(2) three times the balance of the escrow account.

Sec. 3. A violation of Section 1 is a deceptive trade practice actionable under Subchapter E, Chapter 17, Business & Commerce Code.

Amendment No. 2 was adopted without objection.

CSHB 1971, as amended, was passed to engrossment.

HB 2506 ON SECOND READING
(by Dukes)

HB 2506, A bill to be entitled An Act relating to interest charged on late payment made by certain political subdivisions under a contract for goods or services.

HB 2506 was passed to engrossment.

CSHB 2446 ON SECOND READING
(by Greenberg, Krusee, Dukes, Maxey, Naishtat, et al.)

CSHB 2446, A bill to be entitled An Act relating to performance audits of certain metropolitan transit authorities.

(Speaker in the chair)

Amendment No. 1

Representative Greenberg offered the following amendment to **CSHB 2446**:

Amend **CSHB 2446** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.026 to read as follows:

Sec. 403.026. PERFORMANCE AUDIT OF CERTAIN TRANSIT AUTHORITIES. (a) This section applies only to a transit authority that:

(1) is governed by Chapter 451, Transportation Code;

(2) was confirmed before July 1, 1985; and

(3) does not contain a municipality with a population of more than 750,000.

(b) The comptroller may, on the request of an entity listed in Subsection (c), enter into an interlocal contract under Chapter 791 with a transit authority to conduct a performance audit to determine whether the authority is effectively and efficiently providing the services it was created to provide. The comptroller shall report the findings of an audit conducted under this section and make appropriate recommendations on changes in the operations of the authority to the governing body of the authority.

(c) A performance audit under this section may be requested by:

(1) the governing body of the transit authority;

(2) the governing body of the municipality with the largest population in the authority; or

(3) the commissioners court in which the majority of the area of the municipality described in Subdivision (2) is located.

(d) A contract under Subsection (b) shall provide that the authority will reimburse the comptroller for costs incurred in conducting the audit.

(e) The comptroller shall file a report containing the results of an audit performed under this section with the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the committees of the senate and the house of representatives responsible for approving legislation governing the authority.

(f) An audit may not be conducted under this section more often than once every two years.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2

Representative S. Turner offered the following amendment to Amendment No. 1:

Amend the Greenberg amendment to **CSSB 2446** in SECTION 1, by striking proposed Section 403.026(a), Government Code, and substituting the following:

(a) This section applies only to a transit authority that is governed by Chapter 451, Transportation Code and:

(1) was confirmed before July 1, 1985 and does not contain a municipality with a population of more than 750,000; or

(2) contains a municipality with a population of more than 1.2 million.

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

CSHB 2446, as amended, was passed to engrossment.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Junell on motion of R. Lewis.

Coleman on motion of R. Lewis.

Delisi on motion of R. Lewis.

Swinford on motion of Chisum.

Gallego on motion of Gutierrez.

CSHB 2230 ON SECOND READING (by Keel, Hilderbran, and Kubiak)

CSHB 2230, A bill to be entitled An Act relating to the sales and use tax in certain metropolitan transit authorities.

Amendment No. 1

Representative Thompson offered the following amendment to **CSHB 2230**:

Amend **CSHB 2230** by adding a new section ____ to read as follows:

SECTION _____. Section 451.617, Transportation Code, is amended to read as follows:

Sec. 451.617. WITHDRAWAL: ALTERNATIVE METHOD FOR CERTAIN AUTHORITIES. (a) In an authority created before 1980 in which the principal municipality has a population of 750,000 or more [~~less than 1.2 million~~], a unit of election, other than the principal municipality, may withdraw from the authority, in addition to any other manner provided by law, by a vote of a majority of the registered voters of the unit of election voting at an election on the question of withdrawing from the authority.

(b) The governing body of a unit of election in the authority, other than the principal municipality, shall call an election under this section in a unit of election if a petition requesting that an election to withdraw from the authority be held is submitted to the governing body and is signed by at least 10 percent of the registered voters of the unit of election on the date the petition is submitted. To be counted for purposes of validating the petition, a signature on the petition must have been inscribed not earlier than the 120th day before the date the petition is submitted to the governing body.

(c) The governing body, before the 31st day after the date the petition is submitted to the governing body, shall determine whether a petition under this section is valid, and if the governing body fails to act on the petition before the expiration of that period, the petition is valid.

(d) Sections 451.601, 451.607, 451.608, 451.609, 451.611, 451.612(a), and 451.613 apply to the withdrawal of a unit of election under this section.

(e) Except as provided in Subsection (f), an [Am] election may not be held

under this section on a date earlier than the first anniversary of the date of the most recent election held under this section.

(f) In an authority created before 1980 in which the principal municipality has a population greater than 1.6 million, only a unit of election in which a majority of qualified voters voted not to confirm the authority and authorize the levy of taxes may withdraw from the authority in accordance with the provisions of this chapter. An election may not be held under this subsection on a date earlier than the sixth anniversary of the date of the most recent election held under this section.

Representative Stiles raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that it is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of the amendment.

Representative Maxey moved to table **CSHB 2230**.

A record vote was requested.

The motion to table was lost by (Record 255): 53 Yeas, 69 Nays, 7 Present, not voting.

Yeas — Alvarado; Bailey; Berlanga; Bosse; Burnam; Cuellar; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Flores; Giddings; Glaze; Goodman; Gray; Hernandez; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; King; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Moreno; Naishtat; Oliveira; Olivo; Pickett; Pitts; Price; Puente; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Solis; Thompson; Torres; Turner, B.; Van de Putte; Wilson; Wise; Zbranek.

Nays — Alexander; Allen; Averitt; Bonnen; Carter; Chisum; Christian; Clark; Cook; Corte; Crabb; Craddick; Culberson; Danburg; Denny; Driver; Elkins; Finnell; Galloway; Garcia; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; Krusee; Kubiak; Kuempel; Madden; Merritt; Moffat; Mowery; Nixon; Oakley; Patterson; Rabuck; Reyna, E.; Roman; Seaman; Shields; Smith; Solomons; Staples; Stiles; Talton; Uher; Walker; Williams; Williamson; Wohlgemuth; Wolens; Woolley.

Present, not voting — Mr. Speaker(C); Gutierrez; Hightower; Lewis, G.; Palmer; Turner, S.; West.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Brimer; Chavez; Counts; Farrar; Greenberg; Lewis, R.; Marchant; Place; Ramsay; Serna; Siebert; Smithee; Telford; Tillery; Yarbrough.

STATEMENTS OF VOTE

When Record No. 255 was taken, my vote failed to register. I would have voted yes.

Greenberg

When Record No. 255 was taken, I was in the house but away from my desk. I would have voted no.

Place

When Record No. 255 was taken, I was temporarily out of the house chamber. I would have voted no.

Ramsay

When Record No. 255 was taken, I was in the house but away from my desk. I would have voted no.

Smithee

When Record No. 255 was taken, my vote failed to register. I would have voted no.

Telford

Representative Maxey raised a point of order against further consideration of **CSHB 2230** under Rule 8, Section 10(b) of the House Rules on the grounds that the bill employs an artificial device that limits the application of the bill to a single political subdivision.

The speaker sustained the point of order, speaking as follows:

Representative Maxey raises a point of order against further consideration of **CSHB 2230** under Rule 8, Section 10(b), in that the bill employs an artificial device that limits the application of the bill to a single political subdivision.

The bill, which provides for a referendum on the MTA tax rate, limits its effect to MTAs confirmed before July 1, 1985 in which the principal municipality has a population of less than 750,000. The July 1 confirmation date excludes the Corpus Christi Metro from the bill, and the population bracket excludes Houston's and San Antonio's MTAs. The bill is thereby limited in application to Austin's Capitol Metro.

Although the rule makes an exception for a classification scheme that bears a reasonable relationship to the purpose of the bill, the chair is unaware of any reasonable relationship between the confirmation date of the MTA and the need for a referendum on the authority's tax rate.

Accordingly, the point of order is well-taken and sustained.

The bill was returned to the Committee on Ways and Means.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 2841 ON SECOND READING (by Stiles and Siebert)

HB 2841, A bill to be entitled An Act relating to conforming the statutes to reflect the abolishment of the office of state treasurer.

HB 2841 was read second time earlier today and was postponed until this time.

Amendment No. 1 (Committee Amendment No. 1)

Representative Stiles offered the following committee amendment to **HB 2841**:

Amend **HB 2841** in SECTION 7.31 of the bill by striking amended Sections 404.024(b) and (f), Government Code (introduced version, page 57, line 9, through page 58, line 22) and substituting the following:

(b) State funds not deposited in state depositories shall be invested by the comptroller [~~treasurer~~] in:

- (1) direct security repurchase agreements;
- (2) reverse security repurchase agreements;
- (3) direct obligations of or obligations the principal and interest of which are guaranteed by the United States;
- (4) direct obligations of or obligations guaranteed by agencies or instrumentalities of the United States government;
- (5) bankers' acceptances that:
 - (A) are eligible for purchase by the Federal Reserve System;
 - (B) do not exceed 270 days to maturity; and
 - (C) are issued by a bank that has received the highest short-term credit rating by a nationally recognized investment rating firm;
- (6) commercial paper that:
 - (A) does not exceed 270 days to maturity; and
 - (B) except as provided by Subsection (i), has received the highest short-term credit rating by a nationally recognized investment rating firm;
- (7) contracts written by the treasury in which the treasury grants the purchaser the right to purchase securities in the treasury's marketable securities portfolio at a specified price over a specified period and for which the treasury is paid a fee and specifically prohibits naked-option or uncovered option trading;
- (8) direct obligations of or obligations guaranteed by the Inter-American Development Bank, the International Bank for Reconstruction and Development (the World Bank), the African Development Bank, the Asian Development Bank, and the International Finance Corporation that have received the highest credit rating by a nationally recognized investment rating firm;
- (9) bonds issued, assumed, or guaranteed by the State of Israel;
- (10) obligations of a state or an agency, county, city, or other political subdivision of a state; and
- (11) mutual funds secured by obligations that are described by Subdivisions (1) through (6).

(f) The comptroller [~~treasurer~~] by rule may define derivative investments other than those described by Subsection (e). The treasury may not purchase investments defined by rule adopted under this subsection in an amount that at the time of purchase will cause the aggregate value of the investments to exceed five percent of the treasury's total investments.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

Representative Stiles offered the following committee amendment to **HB 2841**:

Amend **HB 2841** on page 321 by deleting Section 21.02 and renumbering subsequent sections.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Stiles offered the following amendment to **HB 2841**:

Amend **HB 2841** as follows:

(1) Add the following appropriately numbered SECTION to Article 7 of the bill and renumber existing SECTIONS of Article 7 of the bill appropriately:

SECTION __. Section 403.003(b), Government Code, is amended to read as follows:

(b) The chief clerk shall take the official oath and give bond in the amount of \$70,000 [~~\$10,000~~], payable in the same manner as the comptroller's bond, and conditioned on the faithful performance of the duties of the office.

(2) Strike existing SECTION 7.39 of the bill (page 67, line 14, through page 68, line 26, introduced version) and substitute the following appropriately numbered SECTION of Article 7 of the bill:

SECTION __. Section 404.042, Government Code, is transferred to Subchapter A, Chapter 403, Government Code, redesignated as Section 403.008, Government Code, and amended to read as follows:

Sec. 403.008 [~~404.042~~]. BONDS AND EMPLOYEES. (a) ~~In addition to the bonds otherwise required by this chapter, the comptroller [Not later than the 20th day after the date on which notice of election is received and before entering the duties of office, the treasurer shall give a bond with a good and solvent surety company authorized to do business in this state, in the sum of \$70,000, payable to and approved by the governor and conditioned that the treasurer shall faithfully execute the duties of that office. Expenses necessary and incident to the execution of the bond shall be paid by the state.~~

~~[(b) The treasurer] shall [also] give any special bond required by an Act of Congress or by a federal department or official to protect federal funds deposited with the comptroller [treasurer]. Expenses necessary and incident to the execution of the bond shall be paid by the state.~~

~~[(c) The treasurer shall appoint a first assistant who shall give bond with a good and solvent surety company authorized to do business in this state, in the sum of \$70,000, payable to and approved by the governor, and conditioned that the first assistant shall faithfully execute the duties of that office. If the treasurer is not able to act, the first assistant shall sign the first assistant's own name as acting treasurer and perform the duties of the treasurer. The legal acts and signatures of the first assistant as acting treasurer are valid as the acts and signatures of the treasurer.~~

~~[(d) The comptroller [treasurer] shall appoint [other] employees that are authorized by law. Employees who as part of their duties handle money, or drafts, checks, bills of exchange, warrants, securities, or other evidences of debt that are or may be convertible into money, or other valuable property shall give bond with a good and solvent surety company authorized to do business in this state, payable to the comptroller [treasurer] in the sum that the comptroller [treasurer] requires, conditioned that the employee shall faithfully execute and perform the duties of that employee's position. The comptroller [treasurer] may~~

also require an employee to be insured in the manner and in the sum that the comptroller ~~[treasurer]~~ requires.

(c) ~~[(e)]~~ The expense incident to the execution of the bonds and any insurance of the chief clerk ~~[first assistant]~~ and other employees shall be paid by the state.

(3) Strike SECTION 7.41 of the bill (page 69, lines 8-20, introduced version) and substitute the following appropriately numbered SECTION of Article 7 of the bill:

SECTION __. Section 404.044, Government Code, is transferred to Subchapter A, Chapter 403, Government Code, redesignated as Section 403.009, Government Code, and amended to read as follows:

Sec. 403.009 ~~[404.044]~~. REVIEW OF BONDS. The attorney general~~[-with the comptroller;]~~ shall on the first day of the fiscal year examine the bonds and insurance of the comptroller ~~[treasurer]~~, chief clerk ~~[first assistant]~~, and other employees and make diligent inquiry into the condition of the sureties on the bonds and policies. If the attorney general finds that a bond or insurance policy is not sufficient to protect and secure the state, the attorney general shall notify the comptroller ~~[treasurer]~~ in writing of the insufficiency of the bond or policy, and the comptroller ~~[treasurer]~~ shall secure a sufficient bond or insurance.

(4) In SECTION 7.40 of the bill, in the second sentence of Section 404.043, Government Code (page 69, line 6, introduced version), strike "by this chapter for employees" and substitute "~~[by this chapter]~~ for employees of the comptroller".

(5) In SECTION 7.02 of the bill, in Section 403.011(11), Government Code (page 41, line 24, introduced version), strike "certify" and substitute "verify ~~[certify]~~".

(6) In SECTION 7.04 of the bill, in Section 403.034(b), Government Code (page 44, lines 7 and 8, introduced version), strike "the comptroller cash, bond, and securities accounts with" and substitute "the accounts in Subsection (a) with".

(7) In SECTION 7.07 of the bill, strike the existing amendment to Section 403.054(d), Government Code, in its entirety (page 46, lines 11-14, introduced version) and substitute the following:

(d) The comptroller ~~[state treasurer]~~ may not pay an original warrant after the comptroller ~~[has notified the treasurer that the comptroller]~~ has issued a replacement warrant for the original warrant.

(8) In the prefatory language to SECTION 7.08 of the bill (page 46, line 15, introduced version), strike "Section 403.056(b), Government Code, is" and substitute "Sections 403.056(b) and (c), Government Code, are".

(9) In SECTION 7.08 of the bill, between the end of amended Section 403.056(b), Government Code, and existing SECTION 7.09 of the bill (page 46, between lines 23 and 24, introduced version), insert the following:

(c) ~~The~~ ~~[Following return of the warrant, the]~~ comptroller shall deliver the warrant to the person entitled to receive it. The comptroller may require the person to give a receipt for the warrant. The comptroller may file that receipt in the comptroller's office.

(10) Strike SECTION 19.68 of the bill (page 289, lines 15-25, introduced version) and substitute the following:

SECTION 19.68. Section 154.415, Tax Code, is amended to read as follows:

Sec. 154.415. GIFTS AND GRANTS ~~[ADDITIONAL ENFORCEMENT POWERS]~~. ~~[(a) The treasurer has all of the rights and powers granted the comptroller in Chapters 111 and 113 of this code with respect to the tax imposed by this chapter. Those rights and powers are in addition to those granted the treasurer in this chapter.~~

~~[(b)]~~ The comptroller ~~[treasurer]~~ may accept gifts, grants, and donations for the administration and enforcement of this chapter.

(11) Strike SECTION 19.93 of the bill (page 302, lines 6-16, introduced version) and substitute the following:

SECTION 19.93. Section 155.141, Tax Code, is amended to read as follows:

Sec. 155.141. GIFTS AND GRANTS ~~[ENFORCEMENT POWERS]~~. ~~[(a) The treasurer has all of the rights and powers granted the comptroller in Chapters 111 and 113 of this code with respect to the tax imposed by this chapter. Those rights and powers are in addition to those granted the treasurer in this chapter.~~

~~[(b)]~~ The comptroller ~~[treasurer]~~ may accept gifts, grants, and donations for the administration and enforcement of this chapter.

(12) In SECTION 20.07 of the bill, strike the existing Section number and amended heading to Section 17.886, Water Code (page 319, line 1, and the first part of line 2, introduced version), and substitute "Sec. 17.886. PAYMENT AND TRANSFERS BY ~~[TREASURER, TRANSFERS BY]~~ COMPTROLLER."

(13) At the end of SECTION 22.02 of the bill (page 413, between lines 26 and 27, introduced version), add the following new Subsection (c):

(c) This Act does not, of itself, impose a new power or duty on the comptroller, transfer a power or duty to or from the comptroller, re-create a power or duty no longer possessed or performed by the comptroller, or abolish a power or duty possessed or performed by the comptroller, except with regard to:

(1) the abolished requirement to appoint a first assistant under Chapter 404, Government Code; and

(2) matters relating to a bond required of the comptroller or an employee of the comptroller.

(14) Add the following appropriately numbered SECTION to Article 22 of the bill and renumber subsequent SECTIONS of Article 22 of the bill appropriately:

SECTION __. (a) Except as provided by Subsection (b) of this section, if another law enacted by the 75th Legislature, Regular Session, 1997, that is intended in whole or in part to make a substantive change to the law conflicts with this Act, the other law controls.

(b) This Act controls over another law enacted by the 75th Legislature, Regular Session, 1997, with regard to:

(1) the abolished requirement to appoint a first assistant under Chapter 404, Government Code; and

(2) matters relating to a bond required of the comptroller or an employee of the comptroller.

Amendment No. 3 was adopted without objection.

HB 2841, as amended, was passed to engrossment.

GENERAL STATE CALENDAR
(consideration continued)

HB 2231 ON SECOND READING
(by Keel, Hilderbran, and Kubiak)

HB 2231, A bill to be entitled An Act relating to the election of the board of certain mass transit authorities.

Representative Berlanga raised a point of order against further consideration of **HB 2231** under Rule 8, Section 10(b) of the House Rules on the grounds that the bill employs an artificial device that limits the application of the bill to a single political subdivision.

The speaker sustained the point of order.

The bill was returned to the Committee on Urban Affairs.

CSHB 762 ON SECOND READING
(by Averitt)

CSHB 762, A bill to be entitled An Act relating to offenses involving the preparation, sale, or distribution of certain academic materials for profit.

CSHB 762 was passed to engrossment.

CSHB 1243 ON SECOND READING
(by Holzheuser)

CSHB 1243, A bill to be entitled An Act relating to energy savings projects for local governments.

CSHB 1243 was passed to engrossment.

HB 1516 ON SECOND READING
(by Thompson, Wise, Serna, and Solis)

HB 1516, A bill to be entitled An Act relating to the creation of a record keeping system for assisting law enforcement in the location of missing children.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Solis, Representative Thompson offered the following committee amendment to **HB 1516**:

Amend **HB 1516** on page 1, by striking lines 12 and 13, and inserting the following:

"(13) "School" means a public primary school or private primary school which charges a fee for tuition."

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Solis, Representative Thompson offered the following committee amendment to **HB 1516**:

Amend **HB 1516** on page 4, line 27, between "agency" and "shall" by inserting "may not advise the party that the request concerns a missing child and".

Amendment No. 2 was adopted without objection.

Amendment No. 3 (Committee Amendment No. 3)

On behalf of Representative Solis, Representative Thompson offered the following committee amendment to **HB 1516**:

Amend **HB 1516** on page 1, following line 13, by adding a new Section 2 to read as follows and renumbering subsequent sections:

SECTION 2. Section 79.005, Human Resources Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The clearinghouse shall ~~also~~ provide to the Texas ~~Central~~ Education Agency and to each school district, open-enrollment charter school, and private school information about missing children who may be located in the school systems. The clearinghouse shall also provide to each licensed child care facility information about missing children who may be attending a facility.

(d) The clearinghouse shall provide to the bureau of vital statistics information about missing children.

Representative Thompson moved to table Amendment No. 3.

The motion to table prevailed.

Representative Thompson moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 4

Representative Howard offered the following amendment to Amendment No. 1:

Amend Committee Amendment No. 1 to **HB 1516** on page 7, lines 4 and 5, of the committee report, by striking "or private primary school which charges a fee for tuition".

Representative Thompson moved to table Amendment No. 4.

The motion to table prevailed.

Amendment No. 1 was adopted without objection.

HB 1516, as amended, was passed to engrossment. (Bonnen, Heflin, Howard, Rabuck, and Williams recorded voting no)

HB 2592 ON SECOND READING
(by Tillery)

HB 2592, A bill to be entitled An Act relating to judicial proceedings involving the disposition of allegedly stolen property.

HB 2592 was passed to engrossment.

HB 1216 ON SECOND READING
(by Edwards)

HB 1216, A bill to be entitled An Act relating to the creation and operation of the Texas Emancipation Juneteenth Cultural and Historical Commission.

Representative Thompson moved to postpone consideration of **HB 1216** until 10 a.m. Wednesday, April 30.

The motion prevailed without objection.

CSHB 2517 ON SECOND READING
(by Dunnam)

CSHB 2517, A bill to be entitled An Act relating to state oversight and evaluation of public junior college districts and other postsecondary institutions of vocational or technical education.

CSHB 2517 was passed to engrossment.

HB 1968 ON SECOND READING
(by Garcia)

HB 1968, A bill to be entitled An Act relating to punishing as contempt the violation of a condition of a peace bond.

HB 1968 was passed to engrossment.

RULES SUSPENDED

Representative Rangel moved to suspend the 5-day posting rule to allow the Committee on Higher Education to consider **HCR 209**.

The motion prevailed without objection.

Representative Chisum moved to suspend the 5-day posting rule to allow the Committee on County Affairs to consider **HJR 7**, **HJR 17**, **HJR 110**, **HB 3241**, and **HB 3598**.

The motion prevailed without objection.

Representative Berlanga moved to suspend the 5-day posting rule to allow the Committee on Public Health to consider **HCR 215**, **SB 609**, **SB 877**, and **SB 908**.

The motion prevailed without objection.

Representative Counts moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider **HB 328**, **HB 2614**, **HB 3590**, **HB 3592**, **SB 26**, **SB 1809**, and **SB 1865**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Affairs, on adjournment today, E2.010, Capitol Extension.

State Affairs, Subcommittee on **HB 828**, on adjournment today, E2.010, Capitol Extension.

Elections, on adjournment today, E2.014, Capitol Extension.

Criminal Jurisprudence, one hour after adjournment today, Room 103, Reagan Building.

State, Federal, and International Relations, on adjournment today, Desk 47, to consider **HCR 82**.

Economic Development, 6:30 p.m. today, E2.030, Capitol Extension, to consider all posted bills and pending business.

Higher Education, 6:30 p.m. today, to consider **HCR 209**.

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative Stiles moved to set a local, consent, and resolutions calendar for 10 a.m. Friday, May 2.

The motion prevailed without objection.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Stiles moved to set a congratulatory and memorial calendar for 10 a.m. Friday, May 2.

The motion prevailed without objection.

SB 1751 - MOTION TO NOT PRINT

Representative Wolens moved to suspend House Rule 12, Section 1(a)(1)(A) to enable the committee report for **SB 1751** to be printed and distributed without the text of the engrossed bill.

The motion prevailed without objection.

STATEMENT OF VOTES

I was present to vote and did vote on April 26, 1997 on Record Votes 234, 238, 239, 243, and 244, but the voting machine failed to record my votes. My "aye" vote was properly recorded on Record Vote 242 (passage to engrossment of **HB 4**) and I was shown voting on all other record votes relating to **HB 4**. I voted in the following manner on the indicated record votes:

Record Vote 234 (motion to table Amendment No. 78 by Representative Merritt) - aye

Record Vote 238 (motion to table Amendment No. 122 by Representative Clark) - no

Record Vote 239 (adoption of Amendment No. 122 by Representative Clark) - aye

Record Vote 243 (suspension of constitutional rule on **HB 4**) - aye

Record Vote 244 (third reading and final passage of **HB 4**) - aye

Hinojosa

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

Representative Horn moved that the house adjourn until 10 a.m. tomorrow in memory of the Honorable Bob Hendricks.

The motion prevailed without objection.

The house accordingly, at 6:32 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

- SB 20** to Judicial Affairs.
- SB 23** to Natural Resources.
- SB 55** to State Affairs.
- SB 66** to Corrections.
- SB 70** to Economic Development.
- SB 113** to Corrections.
- SB 118** to Human Services.
- SB 156** to Transportation.
- SB 167** to Economic Development.
- SB 310** to Judicial Affairs.
- SB 322** to Public Safety.
- SB 337** to Licensing & Administrative Procedures.
- SB 361** to Public Health.
- SB 372** to Agriculture & Livestock.
- SB 478** to Land & Resource Management.
- SB 483** to Judicial Affairs.

SB 502 to Juvenile Justice & Family Issues.
SB 507 to Criminal Jurisprudence.
SB 531 to Criminal Jurisprudence.
SB 550 to Criminal Jurisprudence.
SB 572 to Higher Education.
SB 573 to Business & Industry.
SB 596 to Natural Resources.
SB 605 to Transportation.
SB 658 to Economic Development.
SB 703 to Corrections.
SB 715 to Redistricting.
SB 773 to Transportation.
SB 781 to Economic Development.
SB 808 to Civil Practices.
SB 865 to Insurance.
SB 874 to Appropriations.
SB 875 to Public Safety.
SB 900 to Pensions & Investments.
SB 913 to Public Health.
SB 922 to Public Safety.
SB 928 to Urban Affairs.
SB 938 to Public Health.
SB 951 to Urban Affairs.
SB 970 to Judicial Affairs.
SB 1031 to Licensing & Administrative Procedures.
SB 1034 to Public Education.
SB 1036 to State Affairs.
SB 1100 to Licensing & Administrative Procedures.
SB 1105 to Civil Practices.
SB 1108 to State, Federal & International Relations.
SB 1153 to Ways & Means.
SB 1163 to Public Health.
SB 1164 to Public Health.
SB 1165 to Public Health.

SB 1201 to Land & Resource Management.
SB 1204 to Transportation.
SB 1218 to Criminal Jurisprudence.
SB 1227 to Land & Resource Management.
SB 1241 to Higher Education.
SB 1245 to Public Health.
SB 1249 to Ways & Means.
SB 1262 to Economic Development.
SB 1276 to Transportation.
SB 1287 to Pensions & Investments.
SB 1297 to Public Health.
SB 1311 to Higher Education.
SB 1354 to Energy Resources.
SB 1355 to State Affairs.
SB 1366 to Higher Education.
SB 1367 to Higher Education.
SB 1368 to Public Safety.
SB 1376 to Civil Practices.
SB 1380 to State Affairs.
SB 1390 to Environmental Regulation.
SB 1391 to Transportation.
SB 1393 to Environmental Regulation.
SB 1394 to Land & Resource Management.
SB 1412 to State Affairs.
SB 1417 to Judicial Affairs.
SB 1437 to Ways & Means.
SB 1438 to Ways & Means.
SB 1439 to Environmental Regulation.
SB 1460 to Pensions & Investments.
SB 1478 to Juvenile Justice & Family Issues.
SB 1486 to Transportation.
SB 1495 to Environmental Regulation.
SB 1543 to County Affairs.
SB 1566 to Public Health.

SB 1576 to Agriculture & Livestock.
SB 1578 to State Affairs.
SB 1586 to Environmental Regulation.
SB 1596 to Ways & Means.
SB 1600 to Land & Resource Management.
SB 1601 to Land & Resource Management.
SB 1607 to Public Health.
SB 1609 to Corrections.
SB 1610 to Corrections.
SB 1612 to Appropriations.
SB 1622 to State, Federal & International Relations.
SB 1623 to County Affairs.
SB 1624 to State Affairs.
SB 1627 to Public Education.
SB 1631 to Transportation.
SB 1635 to Financial Institutions.
SB 1654 to Public Education.
SB 1665 to State Affairs.
SB 1674 to State Affairs.
SB 1699 to Public Health.
SB 1715 to State Affairs.
SB 1750 to State Affairs.
SB 1752 to State Affairs.
SB 1781 to Financial Institutions.
SB 1787 to Licensing & Administrative Procedures.
SB 1793 to Natural Resources.
SB 1795 to Revenue & Public Education Funding, Select.
SB 1811 to Energy Resources.
SB 1831 to Licensing & Administrative Procedures.
SB 1837 to Business & Industry.
SB 1848 to Transportation.
SB 1851 to Civil Practices.
SB 1852 to Urban Affairs.
SB 1856 to Environmental Regulation.

SB 1878 to Natural Resources.

SB 1899 to Natural Resources.

SB 1911 to Energy Resources.

SB 1912 to Energy Resources.

SB 1922 to Land & Resource Management.

SB 1924 to Judicial Affairs.

SB 1929 to Environmental Regulation.

SCR 66 to State Recreational Resources.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 43

HB 706, HB 1152, HB 1296, HB 1492, HCR 59, HCR 61, HCR 62, HCR 63, HCR 162

Senate List No. 16

SB 120, SB 161, SB 163, SB 446, SB 460, SB 484, SB 492, SB 538, SB 590, SB 634, SB 730, SB 800, SB 819, SB 1060, SB 1487, SB 1755, SCR 28, SCR 63, SJR 19

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 29, 1997

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 506 Dutton SPONSOR: Luna

Relating to a bill of review by a civil court.

(COMMITTEE SUBSTITUTE)

HB 930 Pickett SPONSOR: Carona

Relating to the examination of an applicant for an air conditioning and refrigeration contractor license.

HB 1113 Kuempel SPONSOR: Armbrister
Relating to participation and credit in, contributions to, and benefits and administration of the Texas Municipal Retirement System.

HB 1190 Counts SPONSOR: Armbrister
Relating to monitoring of water quality in watersheds and river basins.
(AMENDED)

SB 28 Barrientos
Relating to the Barton Springs-Edwards Aquifer Conservation District.

SB 50 Shapiro
Relating to the penalty for driving while a driver's license is invalid.

SB 119 Ellis
Relating to the definition of "school" for purposes of enhancing the punishment for certain offenses committed in a drug-free school zone.

SB 667 Barrientos
Relating to the creation and administration of a program to assist individuals who are deaf or hard of hearing or who have an impairment of speech to purchase specialized telecommunications devices for telephone service access.

SB 873 Shapiro
Relating to the manner in which the testimony of a child who is the victim of or witness to an alleged offense may be taken in certain criminal proceedings.

SB 1017 Patterson, Jerry
Relating to training for members of appraisal review boards and to the qualifications of the members of appraisal review boards.

SB 1246 Madla
Relating to the establishment of a statewide rural health care system.

SB 1387 Patterson, Jerry
Relating to benefits for certain roof damage on property insured through the Texas Catastrophe Property Insurance Association.

SB 1598 Ellis
Relating to the use of suitable state property for community gardens and farmers markets for the benefit of low-income and needy families.

SB 1678 Barrientos
Relating to certain procedures concerning landlords and tenants of residential real property.

SB 1782 Lindsay
Relating to the disposal of dead animal carcasses found on municipal and county roadways.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 163 (viva-voce vote)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 190

Senate Conferees: Zaffirini - Chair/Moncrief/Nelson/Patterson, Jerry/Truan/

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Tuesday, April 29, 1997 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1049

Gutierrez

SPONSOR: Truan

Relating to notification of a judgment against a Mexican resident arising from a vehicle accident.

HCR 93

Bosse

SPONSOR: Whitmire

In memory of the Honorable Erwin Barton.

HCR 148

Wise

SPONSOR: Lucio, Jr.

Designating the Texas Sweet Onion as the official State Vegetable of Texas.

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Tuesday, April 29, 1997 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 548 Shapiro

Relating to the punishment for the offense of unlawfully transferring a weapon.

SB 1195 Lucio

Relating to form specifications for the recording of certain legal instruments.

SB 1517 Truan

Relating to the repeal of certain advisory committees of the Texas Department of Health.

SB 1639 Duncan

Relating to a lien for the processing or harvesting of cotton.

SB 1907 Bivins

Relating to tuition and fees charged by public institutions of higher education, including the redesignation of certain fees as tuition.

SCR 34 Moncrief

Memorializing Congress to improve patient access to quality health care by facilitating the rapid review and approval of new drugs, biological products, and medical devices.

SJR 47 Sibley

Proposing a constitutional amendment to abolish the office of constable in Jack County.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 997 (viva-voce vote)

Respectfully,

Betty King
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Tuesday, April 29, 1997 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 1120 Armbrister
Relating to the interception of wire, oral, or electronic communications, to the use of pen registers and trap and trace devices, and to the civil and criminal consequences of improperly engaging in those activities.

SB 1240 West, Royce
Relating to the state's purchasing of services for state agency clients.

SB 1636 Duncan
Relating to the requirements for state agency orders adopting rules and substantial compliance with those requirements.

SB 1696 Ellis
Relating to the enforcement of land use restrictions in certain counties.

SB 1728 West, Royce
Relating to procedures in death penalty cases.

SB 1736 Barrientos
Relating to the composition of a board of adjustment in certain municipalities.

SB 1913 Sibley
Relating to service contracts sold by a manufacturer or seller of property covered by a service contract.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 28

Civil Practices - **HB 1425, HB 2037, HB 2700, SB 911, SB 912**

Corrections - **SB 123**

County Affairs - **HB 2094, HB 2222, HB 2850, HB 3213, HB 3448, HB 3566**

Economic Development - **HB 81, SB 1113, SB 1514**

Energy Resources - **HB 2981**

Financial Institutions - **HB 1188, HJR 31**

Higher Education - **HB 269, HB 2809, SB 149, SB 729, SB 1712**

Judicial Affairs - **SB 646**

Juvenile Justice & Family Issues - **HB 3281, SB 34**

Land & Resource Management - **HB 3337, HB 3585, SB 313, SB 927, SB 1125, SB 1512**

Natural Resources - **HB 574, HB 2300, HB 3059, HB 3314, HB 3546, HB 3549, HB 3552, HB 3554, HB 3561**

Public Health - **HB 2088, HB 2099, HB 2319, HB 2384, HB 2556, HB 2571, HB 2773, HB 2932, HCR 168**

State Affairs - **HB 951, HB 2129, HB 2328, HB 3037, SB 145, SB 330, SB 833, SB 884, SB 898, SB 1903**

Transportation - **HB 17, HB 422, HB 2101, HB 2781, HB 2968, HB 3063, HB 3250**

ENGROSSED

April 28 - **HB 43, HB 237, HB 423, HB 546, HB 658, HB 909, HB 2914, HB 3139**

ENROLLED

April 28 - **HB 1152, HCR 59, HCR 63, HCR 162**

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